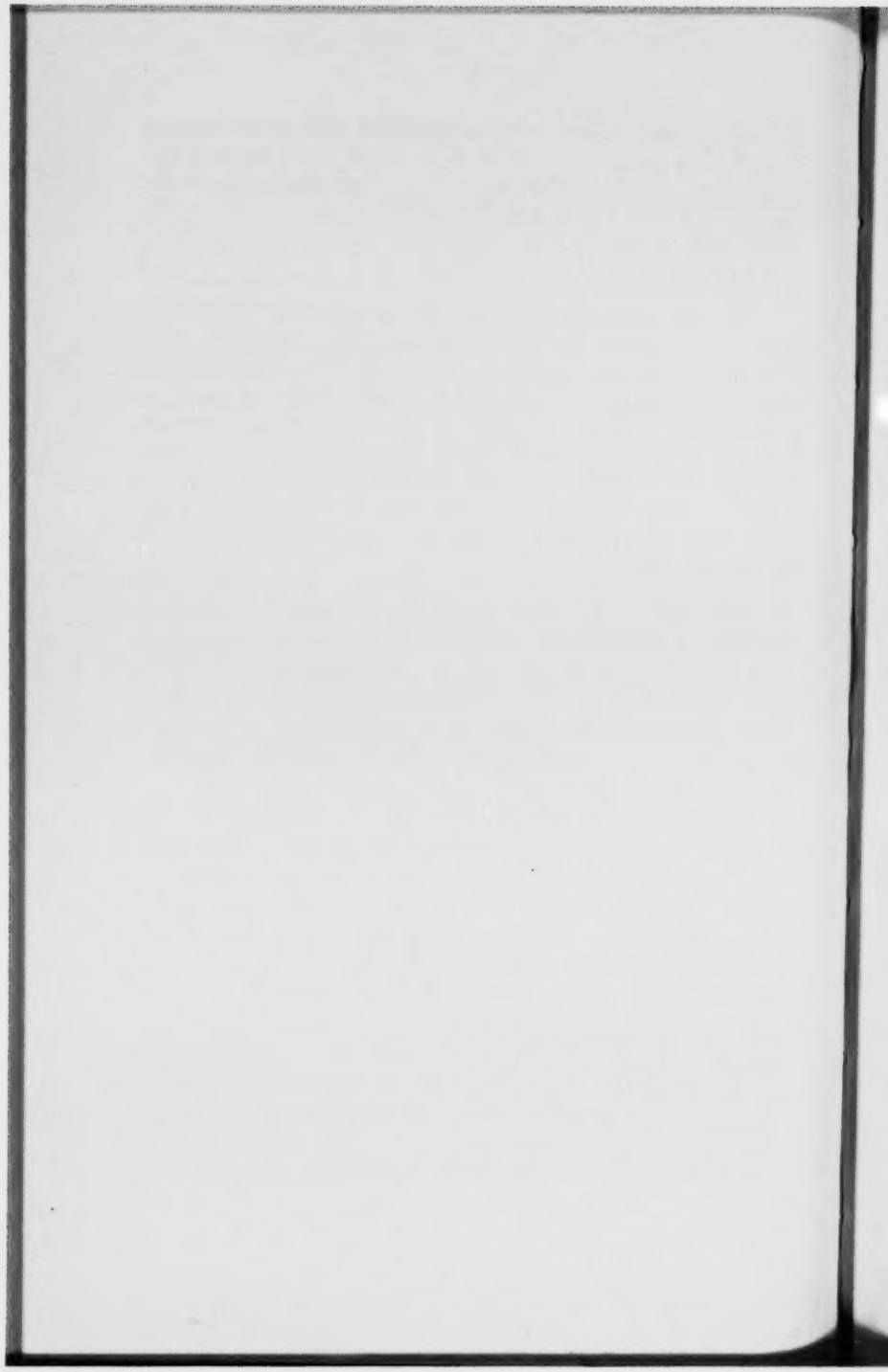


FILED
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CHARLES ELMORE CROPLEY
CLERK

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1941

No. 663

MOURNING JONES,

Petitioner,

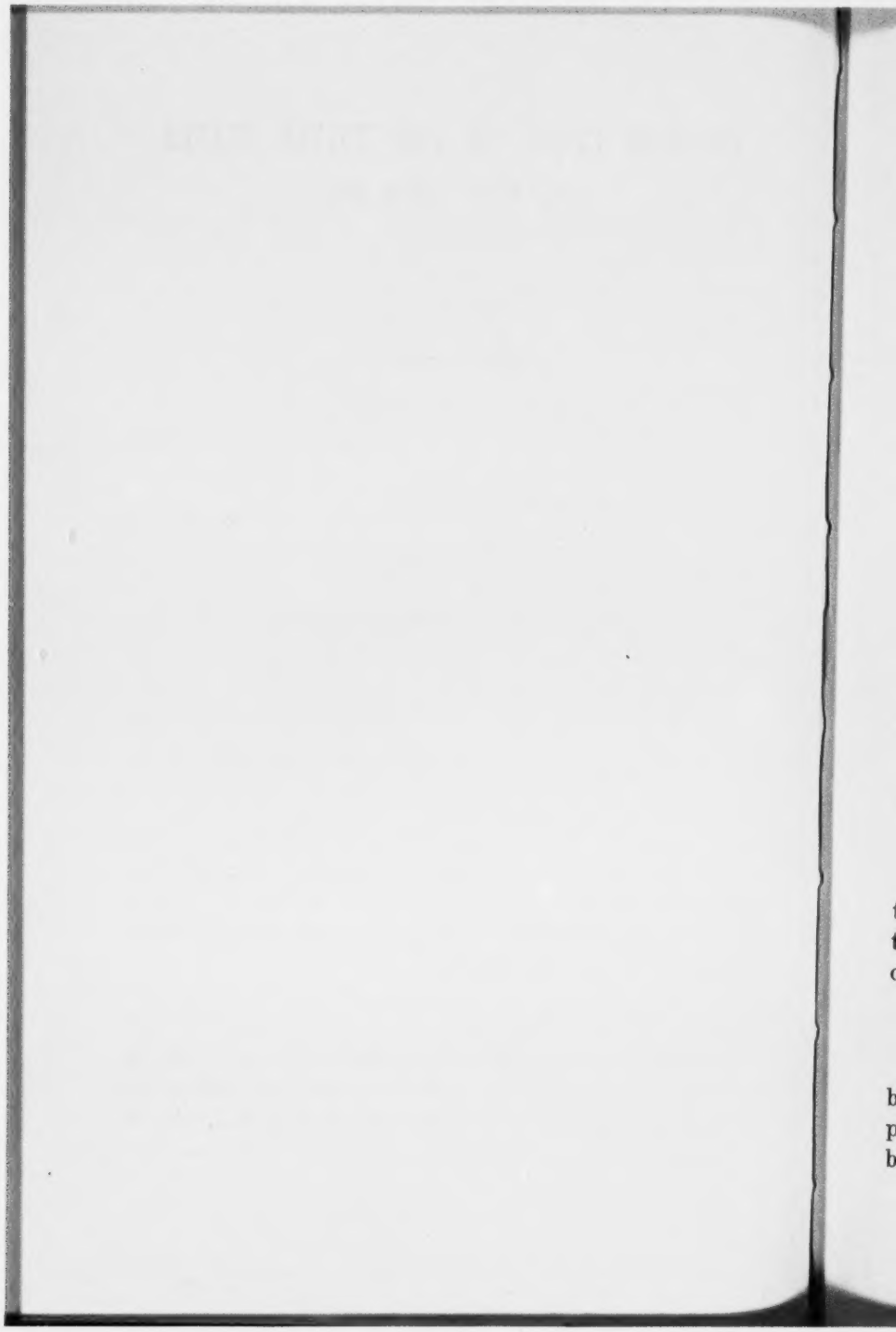
vs.

CITY OF ARCADIA, A MUNICIPAL CORPORATION.

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF FLORIDA.

PETITION FOR REHEARING.

H. G. JONES,
W. D. BELL,
Counsel for Petitioner.



SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1941

No. 663

MOURNING JONES,

Petitioner,

vs.

CITY OF ARCADIA, A MUNICIPAL CORPORATION.

PETITION FOR REHEARING.

To the Honorable the Supreme Court of the United States:

Your Petitioner, Mourning Jones, files her petition for rehearing and says:

I.

That the City of Arcadia recognized the right of Petitioner to a writ of certorari and by its stipulation filed in this cause consented to a hearing upon the merits. (Copy of Stipulation attached hereto.)

II.

That the City of Arcadia, responding to the merits, by its brief, admitted that the matters urged and set forth in the petition duly presented the issue of a lack of due process, but argued that the stricken pleas referred to therein were

properly stricken in that raised no issue cognizable by a Court of Equity.

III.

That Petitioner through her counsel thereupon began to prepare her brief showing that her stricken pleadings did contain equity and did raise the issue that the Petitioner was denied due process of law, and that the striking of said pleas prevented her from being heard on such issue, and thereby denied her due process as set forth in her petition.

IV.

That when Petitioner had prepared her brief upon the merits and was ready to submit it to the Court, she received notice that the Court had denied her writ.

V.

The brief filed by the City of Arcadia deals exclusively with Florida statutes and Supreme Court decisions, upon which counsel for City place their interpretation; upon this interpretation Petitioner takes issue. Therefore, under the circumstances, it is essential to a just and legal disposition of this case that petitioner be heard upon such issues.

VI.

The issues involve matters of great public interest, affecting the public policy and welfare of the people of the entire State of Florida in matters of taxation, in that a precedent has been set, unless relief is granted by this Court, whereby an illegal tax may be enforced without any hearing, and the very forum designed to afford due process may strike the defense and deny such hearing.

VII.

Petitioner, according to the record herein, having exhausted her efforts to deflate these taxes from the assess-

ments that by the record herein were admitted by the City of Arcadia to be inflated by the Florida real estate boom, and the City of Arcadia having met Petitioner's efforts to pay taxes through reasonable compromise by only a slight reduction that left the property assessed at several times the assessable value thereof, (as admitted by the City of Arcadia by its 1936 assessment), this Petitioner was forced into the Florida Courts for settlement according to legal principles. And Petitioner, a widow in her 74th year, has been deprived of a hearing on the merits by the Courts of Florida, in contravention of Section 1 of the 14th amendment to the Constitution of the United States. She has gone to much expense to present her case to this Court, and she believes she should be permitted to file her brief in reply to that of the City of Arcadia; for she has no recourse to defend her constitutional guarantee to due process of law except in this Honorable Court.

The premises considered, Petitioner prays that said cause may be reheard and that she may be permitted to file her brief, a copy of which is herewith tendered, and that upon such rehearing being granted that the same may be set for oral argument before the Court; and that Petitioner may have such other, and further remedy in the premises as to this Court shall seem meet.

H. G. JONES,
W. D. BELL,
Attorneys for Petitioner.